

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Civil Division

17 CV 10254

Case No.

(to be filled in by the Clerk's Office)

MATTHEW STEPHEN SHEPLER

Plaintiff(s)

Jury Trial: (check one) ☐ Yes ☒ No

-v-

CITY OF NEW YORK (NYPD, NYCD, & GRVC)

Defendant(s)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint

A. The Plaintiff(s)

2017 DEC 28 PM 12:43

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Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Matthew Stephen Shepler
Address	2759 Webster Avenue
	Bronx NY 10458
	<i>City State Zip Code</i>
County	Bronx
Telephone Number	(347) 367-9974
E-Mail Address	mshepler@gmx.us

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	City of New York
Job or Title <i>(if known)</i>	New York City Comptroller, Scott M. Stringer
Address	One Centre Street
	New York NY 10007
	<i>City State Zip Code</i>
County	One Centre Street
Telephone Number	(212) 669-3916
E-Mail Address <i>(if known)</i>	action@comptroller.nyc.gov
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity	

## Defendant No. 2

Name	New York Police Department (NYPD)
Job or Title <i>(if known)</i>	NYPD 19 <sup>th</sup> Precinct
Address	153 East 67 <sup>th</sup> Street
	New York NY 10065
	<i>City State Zip Code</i>
County	New York
Telephone Number	(212) 452-0600
E-Mail Address <i>(if known)</i>	N/A
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity	

## Defendant No. 3

Name	New York Department of Correction (NYCD)
Job or Title <i>(if known)</i>	N/A
Address	11-11 Hazen Street

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County

New York

NY

11370

City

State

Zip Code

Telephone Number

(718) 546-6950

E-Mail Address (if known)

N/A

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name

George R. Vierno Center (GRVC)

Job or Title (if known)

N/A

Address

09-09 Hazen Street

East Elmhurst

NY

11370

City

State

Zip Code

County

Queens

Telephone Number

(718) 546-2000

E-Mail Address (if known)

N/A

☐ Individual capacity ☒ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

- (i) Amendment I [Religion, Speech, Press, Assembly, Petition],
- (ii) Amendment IV [Search and Seizure],
- (iii) Amendment VIII [Excess Bail or Fines, Cruel and Unusual Punishment],
- (iv) Amendment XIV [Privileges and Immunities, Due Process, Equal Protection, Apportionment of Representatives]

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A claim relates toward the direction of 42 U.S. Code § 1983

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

- (i) False Arrest,
  - (ii) § 1.05 Intentional Infliction of Mental Distress,
  - (iii) § 10.01 Negligent Infliction of Emotional Distress, and
  - (iv) § 1.04 False Imprisonment
- 

**III. Statement of Claim**

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

New York County,  
12<sup>th</sup> Congressional District of New York,  
District Office of Congresswoman Carolyn B. Maloney 1651 3<sup>rd</sup> Avenue # 311 New York, NY 10128,  
19<sup>th</sup> Precinct 153 East 67<sup>th</sup> Street New York, NY 10065,  
Manhattan Detention Center (MDC) 125 White Street New York, NY 10013,  
George R. Vierno Center (GRVC) 09-09 Hazen Street East Elmhurst, NY 11370

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- B. What date and approximate time did the events giving rise to your claim(s) occur?

- (i) September 27, 2017: False arrest
  - (ii) September 28, 2017: § 1.05 & § 10.01 Intentional and Negligent Infliction of Mental and Emotional Distress, and
  - (iii) October 03, 2017-November 15, 2017: § 1.04 False Imprisonment et al. (§ 1.04, § 1.05, & § 10.01)
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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

On said date of September 27, 2017 the arresting officer made a false arrest that included:

- (I) NO WARRANT
- (II) NO VERBAL THREAT(S)
- (III) NO WEAPON(S)
- (IV) NO DESIRE TO CAUSE PHYSICAL HARM
- (V) NO PRIOR HISTORY WITH MENTAL ILLNESS
- (VI) NO VIOLENT HISTROY

During the period of June 18, 2017 to September 27, 2017 detectives sent several text messages from telephone number (917) 662-9467, and according to Attorney Casey Anis, said detectives conducted searches throughout the NYC area.

After said arrest, on the date of September 27, 2017 said detective questioned me several times during confinement within the 19<sup>th</sup> Precinct, asking, "... do you have anything else ... Mr. Shepler, do you have anything else?" After answering "no" several times, the said detectives probed me further by asking, "you know what I'm talking about right?" As I replied, and answered "yes, drugs ... narcotics ... correct?" At that time, I explained that I (i) did not use drugs and/or narcotics, and (ii) did not buy or sell drugs and/or narcotics—to provide the Court with additional, "qualitative" information; PLAINTIFF, MR. MATTHEW STEPHEN SHEPLER does not have a prior history with drugs and/or narcotics.

After being confined within the Manhattan Detention Center (MDC), on or about the date of October 03, 2017 I was transported to George R. Vierno Center (GRVC) for a period of 33days.

During that time, I was conditioned, "psychologically" to a false spelling of my surname, as well as a false reputation of a "STALKER!"

The forward outcome of the trial is a case dismissed, and a sealed arrest.—in other words, the "false arrest" did not lead to a conviction of a crime!

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#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

- (i) Damages include(d) depression, humiliation, emotional and mental distress, and cruelty. Additional damages include damages to time and reputation management.
- (ii) Treatment includes additional five months within a not-for-profit organization that provides aid to "80percent of chronically homeless adults [who] struggle with mental illness, addiction ... and fragmented treatment exacerbates their harsh reality: a revolving door of emergency rooms, jails ... and the streets."

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#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

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Basis for settlement claim(s) is as follows:

- (i) \$75,000.00 (USD) with mediation, or
- (ii) \$125,000.00-200,000.00 (USD) settlement after a trial that includes a "cross-appeal" process

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

Address

12/23/2017

Matthew Stephen Shepler

Matthew Stephen Shepler

2759 Webster Avenue

Bronx

NY

10458

City

State

Zip Code

Telephone Number

(347) 367-9974

E-mail Address

mshepler@gmx.us

State of New York  
County of New York

I, Matthew Stephen Shepler, being duly sworn depose and say that I have read the foregoing NOTICE OF CLAIM and know the contents thereof: that same is true to the best of my own knowledge, except as to the matter here stated to be alleged upon and information and believe, and as to those matters. I believe them to be true.

Sworn before me this day: DEC 28 2017

Signature of Claimant:

Matthew Stephen Shepler

Signature of notary:

Junise Jaime

JUNISE JAIME  
Notary Public, State of New York  
Reg. No. 04JA6325007  
Qualified in New York County  
Commission Expires May 18, 2019